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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,143	03/10/2004	Masashi Takchana	250083US6	2052
22850	7590	11/05/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DANG, HUNG Q	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 11/05/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/796,143

Applicant(s)

TAKEHANA, MASASHI

Examiner

Hung Q. Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/23/2005, 03/05/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 10/19/2007 have been fully considered but they are not persuasive.

At page 9, Applicant argues that Fu et al. do not disclose or suggest the limitation of "picture material switching means having a switcher function of switching and outputting multiple picture materials inputted from multiple sources at an arbitrary timing." In response, the Examiner respectfully disagrees. In Fig. 2A, Fu et al. clearly disclose a picture material switching means (Input Monitoring Mux 104") having a switcher function of switching and outputting multiple picture materials inputted from multiple sources ("VHS/SVHS", "VCD/DVD", and "8mm/H-8/D8" in "Input Module 102"). This is also clearly described in column 5, lines 26-34, as recited, "input module 102 includes a video cassette player (VHS, SVHS or 8 mm format), a compact disc player (video compact disc (VCD) and digital video compact disc (DVD)) and a camcorder for reading input. Input can be form of analog or digital tape (VHS, SVHS or 8mm tape), VCDs, DVDs or direct input from a video recording device such as a 8 mm HI-8 camcorder. Input module 102 provides as an output plural input streams, one from each input device ..." In column 5, lines 40-42, Fu et al. further recite, respectively, "input monitoring multiplexor 104 receives as inputs a video stream on each of its input ports and provides a single selected stream as an output on its output port". The underlined text clearly implies "outputting multiple picture materials inputted from multiple sources". Here, the "multiple picture materials inputted from multiple sources" clearly are the

inputs from the "VHS/SVHS", "VCD/DVD", and "8mm/H-8/D8" in "Input Module 102". At a specific time, one of these inputs is selected to be outputted at the "Input Monitoring Mux 104" so that the video output from each input device can be viewed by a quality control monitor for the system as described in column 5, lines 47-50. Further, in column 2, line 66 – column 3, line 2, Fu et al. make it clear that these multiple inputs are manipulated, edited and combined by users ("the system provides fully automated digital video editing services to allow users to manipulate each scene, combine scenes and integrate other input including audio and digital still pictures ...") Because a user can manipulate the scene through selecting one of the inputs, he or she can choose to select a specific one among the inputs to be outputted in an arbitrary manner that fits his or her intention. For that reason, Fu et al. clearly disclose, "picture material switching means having a switcher function of switching and outputting multiple picture materials inputted from multiple sources at an arbitrary timing."

At pages 9-10, Applicant argues that Fu et al. do not disclose "the edit list creation means creates the edit list simultaneously with the switching operation for switching the multiple picture materials by using the switcher function".

In response, the Examiner respectfully disagrees. From the paragraphs in column 6, line 41 – column 7, line 14, for example, Fu et al. disclose the digitization control module, as part of the "Local Video Processing System 60" in Fig. 1, receiving selected input from "Digitalization Source Mux 106, which performs the switcher function, to process the selected signal. Among many things, the processing comprises detecting scene breaks. As described in another embodiment in column 19, lines 10-22,

at the output of the process, an edit list is created that defines a series of start and stop points in the video content. The video content is the combined signal from multiple video content signals as described above.

One of ordinary skill in the art would recognize that the system described by Fu et al. works as follows: from the multiple video contents generated by various sources, a multiplexor serving as a switcher to switch between these sources at an arbitrary timing depending on a user's intention to output a combined video signal. The combined video signal would enter the "Local Video Processing System 60" in Fig. 1, in which, among many things, an edit list is created to mark the scene breaks using a series of start and stop points. Note that switching to another video signal involves a scene change; thus a new pair of start and stop points would be generated in the edit list that marks an end of the previous segment and a start of new segment. This is performed while the combined video signal, which is generated by the switching function, is inputted. Thus, the two actions are simultaneous. Also, the contents of the edit list which comprises a series of start and stop points generated depending on the switching operation. It is based on the switcher function.

At page 10, Applicant again argues, regarding claims 5 and 6, Fu et al. do not disclose "a picture material switching step of switching multiple picture materials inputted from multiple sources via picture material switching means having a switcher function, at an arbitrary timing" and "the edit list is created simultaneously with the switching operation for switching the multiple picture materials by using the switcher

function. The Examiner respectfully disagrees for the same reason as discussed in claims 1 and 2 above.

In conclusion, the rejections stands as previously presented.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fu et al. (US Patent 6,882,793).**

Regarding claim 1, Fu et al. disclose a picture material editing apparatus comprising: picture material switching means having a switcher function of switching and outputting multiple picture materials inputted from multiple sources at an arbitrary timing (column 5, lines 18-33, 40-61); and edit list creation means for creating an edit list based on a switching operation for switching the multiple picture materials with the switcher function (column 7, lines 8-11; column 19, lines 18-21).

Regarding claim 2, Fu et al. also disclose the edit list creation means creates the edit list simultaneously with the switching operation for switching the multiple picture materials by using the switcher function (column 7, lines 8-11; column 19, lines 18-21).

Regarding claim 3, Fu et al. also disclose the edit list creation means creates the edit list based on the kind of special effect specified when the picture materials are switched and various setting information is provided for the kind of special effect specified in addition to the switching operation (column 7, lines 8-11; column 19, lines 18-22).

Regarding claim 4, Fu et al. also disclose when the picture material switching means executes edit processing of connecting highlight scenes of the multiple picture materials as the switching operation, the edit list creation means creates a digest-version edit list corresponding to the edit processing (column 17, lines 20-33; column 19, lines 9-22).

Claim 5 is rejected for the same reason as discussed in claim 1 above.

Claim 6 is rejected for the same reason as discussed in claim 2 above.

Claim 7 is rejected for the same reason as discussed in claim 3 above.

Claim 8 is rejected for the same reason as discussed in claim 4 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

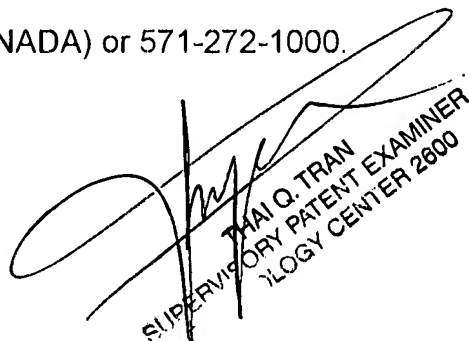
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang  
Patent Examiner



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